IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Con.Case(C).No. 1448 of 2006(S)

IN WPC.23546/2003 Dated 04/11/2004

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PETITIONER/PETITIONER IN WPC:

G.SASIKUMAR, S/O. GOPALAN,
AGED 47 YEARS, HIGHER SECONDARY SCHOOL TEACHER
(MALAYALAM), SNM HIGHER SECONDARY SCHOOL,
PURAKKAD, ALAPPUZHA DISTRICT.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS/ RESPONDENTS IN WPC:
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1. UDAYAN,
(FATHER'S NAME NOT KNOWN TO THE PETITIONER)
AGED ABOUT 55 YEARS,
MANAGER, S.N.M.HIGHER SECONDARY SCHOOL,
PURAKKAD, ALAPPUZHA DISTRICT.

2. MURUGAN ACHARI,
(FATHER'S NAME NOT KNOWN TO THE PETITIONER)
AGED ABOUT 45 YEARS, PRESENTLY WORKING
AS DIRECTOR, HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, THIRUVANANTHAPURAM.

BY ADV. SRI.ANIL K.NARENDRAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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CONTEMPT CASE (C) No. 1448 OF 2006

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Dated this the 11th July, 2007

J U D G M E N T

H.L. Dattu, C.J.:

The complainant alleges in this Contempt case, filed under sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India, that the first respondent in this Contempt case has deliberately and wilfully disobeyed the orders and directions issued by this court in W.P.(C) No.23546 of 2003 dated 04.11.2004. Therefore, a request is made in this Contempt case to initiate appropriate proceedings against the first respondent and punish him under the provisions of the Contempt of Courts Act, 1971.

2. The first respondent had filed his objections . In the said statement of objections, the first respondent tried to justify his action.

3. When the matter came up for consideration before this court on 09.07.2007, we had directed the first respondent to be present before us today, for the purpose of framing charges. Pursuant to the direction issued by us, the first respondent is before us . May be realising that it would be futile for him to defend himself in this Contempt case, he has come forward with an undertaking to the effect that he would promote the petitioner in this Contempt Case as Principal, S.N.M. Higher Secondary School, Purakkad

with effect from 12.07.2007. In the aforesaid undertaking, he has offered his unconditional apology also for not implementing Annexure-I judgment within a reasonable time.

4. Firstly, since the respondent has realised his mistake, we are of the opinion that the unconditional apology offered by him requires to be accepted and it is accepted. In the undertaking filed by him, he has stated that he would promote the petitioner in this Contempt case as the Principal, S.N.M. Higher Secondary School, Purakkad with effect from 12.07.2007. We think that it would satisfy the interest of the complainant.

5. The memo of undertaking filed by the first respondent is placed on record. In view of the aforesaid undertaking we intend to drop the contempt proceedings against the first respondent. Accordingly the following:

O R D E R

i) Further proceedings in this Contempt case are dropped.

ii) Memo of undertaking filed by the first respondent, is taken on record.

iii) The first respondent is directed to comply with the undertaking given by him, by promoting the petitioner/complainant to the post of Principal, S.N..M. Higher Secondary School, Purakkad with effect from 12.07.2007 positively.

iv) Liberty is reserved to the petitioner/complainant to approach this

court, if for any reason, the first respondent disobeys the orders and directions issued by this court today.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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